

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL REVISION No. 218 of 2007

RAVINDRA NATH & ORS.
V/S
PIYUSH KUMAR & ORS.

Mr. MS SINGHVI, for the appellant / petitioner

Date of Order : 3.9.2007

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the petitioner.

Perused the impugned order.

From the perusal of the order it transpires that application Order 7 Rule 11 was filed on the basis of the report of the Commissioner which reported that the land in question belongs to the defendant. It also appears from the impugned order that multiple reports are available on record prepared by different authorities in different capacities of different commissioners. Then, the learned trial court has found that the suit cannot be decided on the basis of the commissioner's report but is to be decided on the basis of the evidence that come on record.

In that view of the matter, I do not find any error in the impugned order. However, it is clarified that the learned trial court will decide the suit on merits in accordance with the evidence that comes on record without

in any manner being obsessed by any of the observations made by the learned trial court, in respect of any of the Commissioners' reports, or on merits of the case.

The revision petition is accordingly dismissed, with the above observations.

(N P GUPTA), J.

/sushil/